

ORDINANCE COMMITTEE

A G E N D A

TOWN OF CHINCOTEAGUE

July 12, 2006 - 4:30 P.M. – Council Chambers - Town Hall

CALL TO ORDER

ROLL CALL

AGENDA ADOPTION:

-
1. Adoption of the newly revised Ordinance, Chapter 70, Waterways

ADJOURN:

MEMORANDUM

TO: Ordinance Committee Members

FROM: Robert Ritter, Town Manager

DATE: July 10, 2006

RE: Adoption of the newly revised Ordinance, Chapter 70, Waterways

Staff and I have consolidated the Ordinance, Chapter 70; Waterways with what is existing, Jon Poulson our attorney portion, and your comments into the document. It is staffs opinion and my opinion that the committee endorses a motion that would send this ordinance to the Mayor and Council for their possible endorsement.

“ Move to accept this revised draft ordinance, Chapter 70, Waterways and send it to the Mayor and Council for their favorable endorsement.”

If you have any questions please feel free to give me a call.

7
WAYNE MERRITT

6150 COMMUNITY DRIVE
CHINCOTEAGUE ISLAND
CHINCOTEAGUE VA. 23336
Phone (757)336-6519
CELL # (757)894-8240

July 4, 2006

**Mr. Robert Ritter
Town manager
Chincoteague Va.**

Dear, Sir

After reviewing the condense of the Water Access Facilities Revisions and discussing it with you, I endorse it and feel it should be sent to Council for approval.

Sincerely,


Wayne Merritt / Harbor Master

Chapter 70

WATERWAYS*

Article I. In General

Secs. 70-1--70-25. Reserved.

Article II. Harbors and Wharves

Division 1. Generally

Sec. 70-26. Definitions.
Sec. 70-27. Purpose and authority.
Sec. 70-28. Penalties.
Sec. 70-29. Damage to docks, wharves or launching ramps.
Sec. 70-30. Nondiscrimination.
Secs. 70-31--70-55. Reserved.

Division 2. Committee

Sec. 70-56. Established; general authority.
Sec. 70-57. Membership.
Sec. 70-58. Meetings.
Sec. 70-59. Quorum; majority rule.
Sec. 70-60. Vacancies.
Sec. 70-61. Removal of members.
Sec. 70-62. Referrals for decision.
Sec. 70-63. General authority.
Secs. 70-64--70-90. Reserved.

Division 3. Use of Harbors, Wharves, Boat Slips, Land

Sec. 70-91. Leases, permits or licenses required for use or occupancy.
Sec. 70-92. Permits required for erection of structures.
Sec. 70-93. Dumping; disposal of wrecks.
Sec. 70-94. Boat ramp and land area usage.
Sec. 70-95. Designated loading and unloading areas.
Sec. 70-96. Use of harbor for anchoring or mooring.
Sec. 70-97. Speed limit.
Sec. 70-98. Dock boxes.
Sec. 70-99. Storage.

***Charter reference**--Public wharves, harbors, etc., ch. 2, § 1(9).

Cross references--Buildings and building regulations, ch. 14; environment, ch. 22; floods, ch. 30; parks and recreation, ch. 42; vegetation, ch. 66; zoning, app. A; marina, commercial or club type, app. A, § 2.96; marina, private noncommercial, app. A, § 2.97.

State law references--Removal, repair, etc., of wharves, piers, etc., Code of Virginia, § 15.2-909; regulation of lakes, pools, etc., Code of Virginia, § 15.2-1110; local regulation of vessels, Code of Virginia, § 29.1-744 et seq.; port management, Code of Virginia, § 62.1-163.

CHINCOTEAGUE CODE

Sec. 70-100.	Fuel.
Sec. 70-101.	Oversized vessels.
Sec. 70-102.	Trespassing.
Sec. 70-103.	Prohibited conduct.

ARTICLE I. IN GENERAL

Secs. 70-1--70-25. Reserved.

ARTICLE II. ~~HARBORS AND WHARVES~~ CURTIS MERRITT HARBOR OF REFUGE**DIVISION 1. GENERALLY****Sec. 70-26. Definitions.**

The following words, terms and phrases, when used in this ~~article~~ **Article**, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

***Boat* means any motor boat, vessel, watercraft, or personal watercraft of any kind, however propelled.**

Committee means the Curtis Merritt Harbor of Refuge Committee.

Federal project means a project for improvement of the harbor and the modification of harbor lines by the Department of the Army and in proximity thereto.

Harbor or Curtis Merritt Harbor means the Curtis Merritt Harbor of Refuge.
(Code 1977, §§ 9-2, 9-3)

Cross reference--Definitions generally, § 1-2.

***Person* means any natural person, corporation, partnership, limited liability company, or other legal entity.**

***Town or Town Council* means the governing body of the Town of Chincoteague.**

Sec. 70-27. Purpose and authority.

The purpose of this ~~article~~ **Article** is to provide for the operation and maintenance of the Curtis Merritt Harbor of Refuge ~~and all other harbors, wharves, waterways, and adjacent lands~~ owned by the ~~town~~ **Town**, including certain charges for the use thereof.

(Code 1977, § 9-1)

Sec. 70-28. Penalties.

Any person violating any of the sections of this ~~article~~ **Article** shall, upon conviction, be guilty of a **Class 2** misdemeanor.

(Code 1977, § 9-7)

Sec. 70-29. Damage to docks, wharves or launching ramps.

It shall be unlawful for anyone, intentionally or negligently, to damage the public docks, wharves or launching ramps owned by the town situated either in the town or within two miles of its corporate limits.

(Code 1977, § 9-4)

Sec. 70-30. Nondiscrimination.

There shall be no discrimination in the use of an access to the benefits of all ~~harbor~~ the **Harbor** and ~~wharf facilities~~, regardless of race, age, creed, handicapping conditions, color, national origin, religion, sex, political affiliation or beliefs.

(Code 1977, § 9-6)

Secs. 70-31—70-55. Reserved.

DIVISION 2. COMMITTEE*

Sec. 70-56. Established; general authority.

There is ~~hereby~~ established for the purpose of ~~the supervision~~, operation and maintenance of the Curtis Merritt Harbor of Refuge and enforcement of this ~~article~~ **Article** a committee to be known as the Curtis Merritt Harbor of Refuge Committee, which shall be charged with diligently conducting and enforcing the ~~rules and regulations~~ **provisions** of this ~~article~~ **Article**. ~~All other harbors, wharves and waterways shall be under the authority of the town council and/or its designated agent and any rules and regulations adopted by the~~ **Committee and approved by the Town, from time to time** for the best interest of the federal project and the public, both commercial and recreational.

(Code 1977, § 9-2(1))

Sec. 70-57. Membership.

(a) The committee shall consist of ~~four~~ **five** members, and ~~all shall be qualified voters of the town~~ **four members shall be residents of the Town with the option of the Mayor and Council to waive the residence requirements of the Harbor Master**. The members shall be as follows:

- (1) Two shall be members of the ~~town council~~ **Town Council**.
- (2) One shall be a member of the Working Waterman's Association
- (3) **One shall be a recreational fisherman**
- ~~(3)~~ (4) One shall be the ~~harbormaster~~ **Harbor Master**.

(b) All members shall be ~~approved~~ **appointed** by the ~~council~~ **Council**, except the ~~harbormaster~~ **Harbor Master**. After the ~~council~~ **Council** has approved the first ~~three~~ **four** members, those ~~three~~ **four** will by a majority vote appoint the ~~harbormaster~~ **Harbor Master**, ~~providing the person is a qualified individual~~, upon the advice and consent of the ~~town council~~ **Town Council**. All members shall be appointed for a term of two years or until replaced by the ~~town~~ **Town as hereinafter provided**. All members of the ~~committee~~ **Committee** shall serve as such without compensation.

(c) The harbormaster shall be a nonvoting member of the ~~committee~~ **Committee**. The ~~committee~~ **Committee** shall elect a ~~chairman~~ **Chairman** and ~~vice-chairman~~ **Vice-Chairman**. ~~The town~~ **Town** administration member or ~~and one of the town council~~ **Town Council** members shall be the ~~secretary/treasurer~~ **Secretary/Treasurer**.
(Code 1977, § 9-2(2); Ord. Of 10-21-1993)

Sec. 70-58. Meetings.

The committee shall meet at least four times a year at a time and place of its choosing and shall maintain accurate records of the meeting's proceedings and the financial resources of the ~~harbor~~ **Harbor**.

(Code 1977, § 9-2(3))

Sec. 70-59. Quorum; majority rule.

Three **voting** members of the ~~committee~~ **Committee** shall constitute a quorum for all meetings. All matters shall be decided by majority vote of those present and voting.

(Code 1977, § 9-2(4))

Sec. 70-60. Vacancies.

If a vacancy occurs in the term of any ~~committee~~ **Committee** member, the ~~town~~ **Town** shall have the right to appoint a person to fill such vacancy, as described in this division, for the remainder of such unexpired term.

(Code 1977, § 9-2(5))

Sec. 70-61. Removal of members.

The ~~town~~ **Town** reserves the right to remove any ~~committee~~ **Committee** member ~~whom it finds not fulfilling the duties charged to him under this article~~ **with or without cause.**

(Code 1977, § 9-2(6))

Sec. 70-62. Referrals for decision.

Matters which cannot be decided by the ~~committee~~ **Committee** ~~may~~ **shall** be referred to the ~~town~~ **Town Council** for decision. ~~The Any such referral must~~ **shall** be made in writing ~~giving details of~~ **detailing** the issues involved, ~~and why the Committee is unable to make a determination.~~

(Code 1977, § 9-2(7))

Sec. 70-63. General authority.

(a) The ~~committee~~ **Committee** and its duly designated agents **in the supervision of the Harbor and the enforcement of this Article**, shall have the authority to direct and control the movement and stoppage of all ~~watercraft boats~~, vehicles and trailers using the ~~harbor~~ **Harbor** facilities, including the parking area, ramp, dock, boat slips and ~~water~~ **waters** within the confines of the ~~harbor~~ **Harbor**. The ~~committee~~ **Committee** shall have the further authority to restrict or prohibit any activities within the facility that in any way adversely affect the intended uses of the facility. **The failure of any person to reasonably submit to such direction and control shall constitute a violation hereof.**

(b) Nothing contained in this section is intended to preclude the **Town** police department or other police officers from enforcing federal, **as applicable, federal**, state and local statutes, ordinances and regulations, including the ~~regulations~~ **provisions** of this ~~article~~ **Article within the Harbor.**

(Code 1977, § 9-5)

Secs. 70-64--70-90. Reserved.

*Cross reference--Boards and commissions, § 2-106 et seq.

DIVISION 3. USE OF HARBORS, WHARVES, BOAT SLIPS, LAND

Sec. 70-91. Leases, permits or licenses required for use or occupancy.

(a) It shall be unlawful for any person to use, occupy ~~or tie a boat~~ **or moor a boat** to any part of the ~~properties owned by the town and the one known as the~~ Curtis Merritt Harbor of Refuge without first having obtained a lease, permit, ~~or~~ license, **or the authority of the Harbor Master** as provided in this ~~section~~ **Article** for such use, ~~or~~ occupation, **docking, or mooring**. ~~No lease, permit or license shall be granted for any term for the use of a site for residential purposes.~~

§ 70-91 ————— CHINCOTEAGUE CODE

(b) All leases, permits or licenses for the use or occupancy of boat slips, wharfage or land ~~including within the harbor~~ **Harbor** shall be in writing on forms authorized by the ~~town council~~ **Town Council** and submitted to and approved by the ~~committee~~ **and executed by the Committee's designated representative** and ~~executed by the parties thereto and preserved in the office of the committee~~ **the lessee, permittee, or licensee and preserved in the office of the Committee.**

(c) All fees for leases, permits or licenses shall become due and payable on each July 1st **at the Town Office**. All fees are ~~nonreturnable~~ **non-refundable**, except as may be provided for in the lease agreement.

(d) ~~No lessee may sublet a boat slip to another person~~ **shall assign or sublease a boat slip to another person and any such assignment or sublease shall immediately terminate said lease, without refund of any portion of the lease payment.**

(e) ~~All fees charged for mooring, tying up, wharfage and use of the harbors, wharves, etc., owned by the town shall be established by the town~~ **No boat shall be moored in any slip for a period in excess of 24 hours by any lessee except such boat that is listed on the lease agreement when executed or subsequently added thereto. No more than one (1) boat shall be so listed at any given time. The presence of any unlisted boat in any such slip for a period of 10 days shall cause a rebuttable presumption that such slip lease has been assigned or a sublease exist and such lease shall terminate immediately, absent proof to the reasonable satisfaction of the Committee that such assignment or sublease has not occurred.**

(f) ~~All fees and charges collected by the town for slip rental~~ **charged for use and occupancy of boat slips, and wharfage, and other uses of the Harbor facilities shall be established by the Town Council from time to time and shall be posted in the office of the Harbor Committee, unless otherwise expressly provided for herein.** ~~shall be spent for improvements, repairs and upkeep of all harbors, wharves, etc., including the Curtis Merritt Harbor of Refuge and its facilities, upon recommendations made by the committee. The committee shall file annually with the town a report on the status of the harbor facility. All other funds collected by the town by virtue of its ownership and/or control of the Curtis Merritt Harbor of Refuge and other harbors, wharfs and waterways shall become part of the town's general revenue.~~

(g) All fees and charges collected by the Town from the use of the Harbor shall be segregated or earmarked from the General Fund and used for improvements, repairs and upkeep of the Harbor, and its facilities, upon recommendations made by the Committee. The Committee shall file annually with the Town a report on the status of the Harbor facility.

(h) The following priorities shall control the leasing of slips at the Harbor;

- (1) Present leaseholders that requested smaller slips and leased larger slips have the first opportunity to change to a smaller if available.
- (2) Working waterman (100%) of the Island District.
- (3) Other boat owners of the Island District.
- (4) Working waterman (100%) of Accomack County.
- (5) Accomack County residents.
- (6) All others.

(Code 1977, § 9-3(A))

Sec. 70-92. Permits required for erection of structures.

~~By virtue of the adoption of a federal project for improvement of the harbor and the modification of harbor lines by the Department of the Army and in proximity thereto, it~~ **It shall be unlawful to erect any type of structure including mooring poles in the waters of the harbor Harbor or within the bulkhead line on the property within the Harbor facility without first securing a permit from the Harbor Committee.** ~~thereof without first securing a permit as prescribed by the harbor committee, and it shall be unlawful to erect any type of building on the property abutting the harbor without first securing a permit from the harbor committee.~~ All buildings, ~~erections~~ **structures**, docks, poles, walkways or projections in the ~~harbor~~ **Harbor waters or facility**, in conflict with and not conforming to specifications and requirements of the ~~harbor committee~~ **Harbor Committee**, shall be removed at the lessee's expense. Any authorized structure or appurtenance shall be installed at the expense of the person causing the construction thereof. The structure or appurtenance shall, **at the option of the Committee**, become the property of the ~~town~~ **Town at the expiration of the lessee's lease, or the Committee may require that any such structure be removed.**

(Code 1977, § 9-3(B))

Sec. 70-93. ~~Dumping; disposal of wrecks~~ Damage to docks, wharves or launching ramps.

It shall be unlawful for anyone intentionally or negligently, to damage the public docks, wharves, bulkheads, or launching ramps owned by the Town situated at the Harbor.

Sec. 70-94. Dumping; disposal of wrecks.

(a) It shall be unlawful to deposit or cause or permit to be deposited, in any of the waters of the ~~harbor~~ **Harbor, etc.**, or along the shores thereof or in any of the streams or ditches emptying therein or on any of the land adjacent or contiguous to the ~~harbor~~ **Harbor, etc.**, any refuse, offal, waste matter or other substance or material, whether earth, oil, liquid, animal, fish or vegetable matter, or other matter that may ~~injuriously~~ **adversely** affect the sanitary, clean and safe condition of the ~~water~~ **waters in harbor the Harbor** or that may diminish the depth thereof.

(b) It shall be unlawful to ~~voluntarily~~ **intentionally** or ~~carelessly~~ **negligently** sink or permit or cause to be sunk any ~~barge, scow or other craft~~ **boat** in the waters of the ~~harbor~~ **Harbor, etc.**, or **to intentionally or negligently permit or cause any to float loose timber or logs therein log to be set adrift in the Harbor.** Whenever a ~~vessel or other craft~~ **boat** is wrecked and/or sunk in any of the waters of the ~~harbor~~ **Harbor**, accidentally or otherwise, it shall be the duty of the owner or person then in possession of such ~~wrecked or sunken craft~~ **boat** to immediately mark it with a ~~buoy~~ **buoys** and a ~~lighted lantern~~ **lights** at night and to maintain such ~~marks~~ **warning devices** until the ~~wrecked or sunken craft~~ **boat** is removed **which shall be done within the time frame designated by the Committee.** The neglect or failure of the owner or person then in possession to

so mark the ~~wreck~~ **wrecked or sunken boat** shall be unlawful **constitute a violation hereof. It and it shall be** the duty of the owner **or person then in possession** of such **wrecked or sunken craft boat** to commence the immediate removal of the **craft boat** and ~~prosecute such~~ remove ~~diligently same within the Committee's~~ **designated removal period. Failure to do so shall constitute a violation hereof. Further the Failure** failure of the owner **or person then in possession** to ~~se~~ mark with a required warning devices and/or remove such **wrecked or sunken craft boat within the period prescribed by the Committee shall will** constitute a material breach of his **any** lease, ~~thereby empowering~~ with such person and authorize the Committee to cancel such ~~the harbor committee to revoke the lease.~~ **In the event any such owner or person in possession does not timely remove such wrecked or sunken boat, the Committee may proceed to do so after five (5) days written notice to such owner or person in possession, and at the owner's and/or person in possession's cost.**
(Code 1977, § 9-3(C))

Sec. ~~70-94.~~ 70-95. Boat ramp and land area usage.

(a) The use of the boat ~~ramps~~ **ramp** and adjacent parking areas ~~owned by the town of including the harbor~~ **Harbor** facility, are for the pleasure of all users; ~~however, no~~ **No** unloading, loading or storage of seafood products or byproducts, nets, poles, dredges or culling of products is permitted **except in designated loading and unloading areas as hereinafter provided.** At the discretion of the ~~committee~~ **Harbor Master**, a temporary variance may be granted when an emergency exists or there is other just cause therefor.

(b) Overnight habitation of ~~vessels~~, parked vans, automobiles, trucks, mobile homes, camper trailers or other recreational vehicles or apparatus, including tents, **at the Harbor facility**, is prohibited, **by special authority given by the Harbor Master for critical emergency situations.**

(c) **Persons utilizing a boat ramp at the Harbor shall launch or recover any boat as promptly as possible giving consideration to the safety of persons and property, and shall not unnecessarily impede the use of such ramp by other users.**
(Code 1977, § 9-3(D))

Sec. ~~70-95~~ 70-96. Designated loading and unloading areas.

(a) ~~At the discretion of the~~ **The committee Committee shall designate** a specified wharfage area for the loading and unloading of both commercial and pleasure boats ~~is to which areas' shall be designated and so marked for identification with appropriate signage.~~

(b) Except in an emergency, it shall be unlawful to use the loading and unloading wharfage area for the mooring of boats ~~except in such areas as may be provided.~~ In an emergency, the mooring shall be as approved by the ~~committee~~ **Committee** or its designated agent.

(c) Wharfage for inbound or outbound cargo placed on the loading and unloading area shall be limited to 24 hours without charge. Wharfage for all boats shall be limited to eight hours without charge.

(d) Under no circumstances shall any cargo remain on the loading and unloading area in excess of the free time, except on the express authorization of the ~~harbor committee~~ **Harbor Committee** or its duly ~~authorized agents~~ **Harbor Master**. The loading and unloading area or any other upland area of the ~~harbor~~ **Harbor** facility shall not be utilized for storage purposes. Cargo equipment of whatever kind placed thereon shall remain thereon at the risk of the consignee or owner and shall be removed within a reasonable length of time, which shall not exceed 24 hours except on the express authorization of the ~~harbor committee~~ **Harbor Committee** or ~~the its duly authorized agents~~ **Harbor Master**.
(Code 1977, § 9-3(E))

WATERWAYS

§ 70-101

Sec. ~~70-96~~ 70-97. Use of harbor for anchoring or mooring.

(a) No boat shall be moored or anchored inside the ~~harbor~~ **Harbor** without the permission of the ~~committee~~ **Committee** or ~~its designated agent~~ **the Harbor Master**, at such points as shall be designated.

(b) No boat shall operate or ~~be~~ moored or anchored in such a manner as to obstruct the passage, approaches, berthing, **offloading, or loading**, or ~~anchoring use of the launching ramp by~~ **use of the launching ramp by** ~~of~~ other boats **at the Harbor**.

(c) No **person operating any boat or other craft** shall utilize in any way any bulkhead, **dock** or ~~pier~~ **slip** space ~~inside within the harbor~~ **Harbor** except ~~only~~ that portion which is leased **by such person** from the ~~committee~~ **Committee**, and ~~with respect only to the boats of such leases without first obtaining the~~ **or otherwise with the** ~~express permission of the~~ **Harbor Master or the Committee** ~~committee or its duly authorized agents~~.

(d) Fees **as determined by the Town** may be charged for anchoring or mooring in the ~~harbor~~ **Harbor** by the ~~committee~~ **Committee** when authorized by the ~~town or its designated agent~~ **Harbor Master**.

(Code 1977, § 9-3(F))

Sec. ~~70-97~~ 70-98. Speed limit.

All boats entering, leaving, or ~~moving about~~ **navigating** in the ~~harbor~~ **Harbor** shall be operated in such a manner so as not to create a swell sufficient to cause damage to the other boats **moored, or crafts** anchored, **offloading, loading, or utilizing the boat ramps at the Harbor** ~~tyed up, or plying in the harbor or to the fastenings thereof~~.

(Code 1977, § 9-3(G))

Sec. ~~70-98~~ 70-99. Dock boxes.

Dock boxes may be provided **and utilized** by each lessee at the ~~harbor~~ **Harbor**, ~~providing~~ **provided that they** ~~are constructed of salt treated lumber and do not exceed a width of four feet, a height of four feet and a length of four feet. The boxes must be located on each side of the proposed catwalk locations. Boxes shall not be painted~~ **the design, materials, colors, and location are approved in writing by the Harbor Master**.

(Code 1977, § 9-3(H))

Sec. ~~70-99~~ 70-100. Storage.

Crab traps, lobster pots, fish nets, baskets, fish boxes and all other types of gear shall not be stored on the docks or upland areas except **areas that may be designated by the** ~~at the discretion of the harbormaster~~ **Harbor Committee** ~~and in areas that may be designated by the harbor committee~~. ~~Vessels~~ **Boats** shall not be stored on the docks, adjacent waterways or upland areas of the ~~harbor~~ **Harbor**.

(Code 1977, § 9-3(I))

Sec. ~~70-100~~ 70-101. Fuel.

No fuel, either diesel or gasoline, shall be stored on the docks or upland areas of the ~~harbor~~ **Harbor**. Fuels shall only be sold at the ~~harbor~~ **Harbor** by licensed fuel dealers. Transportation of fuels by a lessee is permitted, providing the containers are safe and properly secured on the lessee's vehicle. All such containers and vehicles must be approved by the ~~harbor committee~~ **Harbor Committee** or ~~its designated agent~~ **the Harbor Master**.

(Code 1977, § 9-3(J))

CHINCOTEAGUE CODE

§ 70-105

Sec. ~~70-101~~ 70-102. Oversized vessels.

~~Vessels~~ **Boats** longer than 15 percent of the length of the ~~harbor~~ **Harbor** slip requested will not be permitted unless a special ~~exception~~ **permission** request is ~~approved~~ **granted** by the ~~harbor committee~~ **Committee**, i.e., 15 feet by 30 feet; 18 feet by 40 feet equals 46 feet; 21 feet by 50 feet equals 58 feet.
(Code 1977, § 9-3(K))

Sec. ~~70-102~~ 70-103. Trespassing.

~~There shall be no trespassing at~~ **No person shall enter** the ~~harbor~~ **Harbor** between the hours of 10:00 p.m. and 6:00 a.m., except for leaseholders and their guests **and other duly authorized persons. Any such entry shall constitute a criminal trespass.**
(Code 1977, § 9-3(L))

Sec. ~~70-103~~ 70-104. Prohibited conduct.

Within ~~Curtis Meritt~~ **the Harbor**, **the** upland area **adjacent thereto**, and the spoil site, ~~erabbing, swimming, fishing, camping, bathing, picnicking the overhaul or repair of vessels and the discharge of firearms and other weapons is prohibited. Parallel parking is permitted on the northeast end of the basin behind slips 16 to 28; all other parking will be perpendicular except as posted~~ **the following conduct is expressly prohibited:**

- (a) **Crabbing**
- (b) **Swimming**
- (c) **Fishing**
- (d) **Camping**
- (e) **Bathing**
- (f) **Picnicking**
- (g) **Overhaul and repair of boats**
- (h) **Discharge of firearms**
- (i) **Overnight occupancy or use, except slip holders and guests utilizing a boat designed for such overnight occupancy within the specified time limitations, as permitted herein.**
- (j) **Parking, except as expressly permitted by appropriate signage or the Harbor Master**
(Code 1977, § 9-3(M))

Sec. 70-105. Other Rules and Regulations.

In addition to all other rules or regulations pertaining to the use of the Harbor, the following additional rules and regulations shall be in effect:

- (a) **Overnight parking prohibited without ramp user fee sticker.**
- (b) **Two (2) hour parking if not under way on boat or vessel.**

Sec. 70-106. Abusive language.

While utilizing the harbor, including while on any boat moored thereto or while in the act of mooring, embarking, disembarking, launching or recovering any boat any person shall refrain from making any loud and disturbing noises not reasonably necessary for utilizing said facility, and further shall not use any abusive and/or obscene language that reasonably disturbs the peace and tranquility of others on or near said facility.

Sec. 70-107 to 109. Reserved**ARTICLE III. USE OF OTHER TOWN WATER RELATED FACILITIES****DIVISION 1. GENERALLY****Sec. 70-110. Definitions.**

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Boat means any motor boat, vessel, watercraft, or personal watercraft of any kind, however propelled.

Person means any natural person, corporation, partnership, limited liability company, or other legal entity.

Town or Town Council means the governing body of the Town of Chincoteague.

Sec. 70-111. Purpose and authority.

The purpose of this Article is to provide for the operation of all other water related facilities owned or controlled by the Town of Chincoteague, specifically including but not limited to the Town Dock (excluding any leased portion thereof), Chincoteague Veterans Memorial Park, Eastside Boating Facility, Fir Landing, and Robert N. Reed, Sr. Downtown Waterfront Park.

Sec. 70-112. Penalties.

Any person violating any of the provisions of this Article shall, upon conviction, be guilty of a Class 2 Misdemeanor.

Sec. 70-113. Nondiscrimination.

There shall be no discrimination in the use of or access to the benefits of any such facility, regardless of race, age, creed, handicapping conditions, color, national origin, religion, sex, political affiliation or beliefs.

(Code 1977, §9-6)

Sec. 70-114. Reserved.

DIVISION 2. PROVISIONS REGULATING THE USE OF SUCH OTHER FACILITIES**Sec. 70-115.**

(a) The Harbor Master and his duly designated agents, in the supervision of the other Town after related facilities and the enforcement of this Article, shall have the authority to direct and control the movement and stoppage of all boat, vehicles and trailers using the other Town water related facilities, including the parking area, ramp, dock, boat slips and waters within the confines of the other Town water related facilities. The Harbor Master shall have the further authority to restrict or prohibit any activities within the facility that in any way adversely affect the intended uses of the facility. The failure of any person to reasonably submit to such directions and control shall constitute a violation hereof.

(b) Nothing contained in this section is intended to preclude the police department or other police officers from enforcing federal, state and local statutes, ordinances and regulations, including the provisions of this Article within the other Town water related facilities.

(Code 1977, §9-5)

Sec. 70-116. General.

It shall be unlawful for any person to use, occupy, moor, load, offload, launch, or recover any boat except as permitted herein.

Sec. 70-117. Required license.

No person shall use for the launching and/or recovery of any boat any ramp constituting a part of any such facility without having paid any required license fee as established by the Town Council from time to time.

Sec. 70-118. Damage to docks, wharves or launching ramps.

It shall be unlawful for any person to intentionally or negligently damage any public dock, wharf, bulkhead, or launching ramp constituting a part of any such facility.

Sec. 70-119. Boat ramp and land area usage.

(a) The use of the boat ramp and adjacent parking areas of any such facility, are for the pleasure of all users. No unloading, loading or storage of seafood products or byproducts, nets, poles, dredges or culling of products is permitted except in designated loading and unloading areas as hereinafter provided. At the discretion of the Harbor Master, a temporary variance may be granted when an emergency exists or there is other just cause therefore.

(b) Overnight habitation of boats, parked vans, automobiles, trucks, mobile homes, camper trailers or other recreational vehicles or apparatus, including tents, at any such facility, is prohibited ~~except that slip holders and their guests may utilize overnight accommodations on boats designed for such overnight use not to exceed 7 nights per month, after obtaining the lease.~~

(c) Persons utilizing a boat ramp at any such facility shall launch or recover any boat as promptly as possible giving consideration to the safety of persons and property, and shall not unnecessarily impede the use of any such ramp by other users.

Sec. 70-120. Dumping disposal of wrecks.

(a) It shall be unlawful to deposit or cause or permit to be deposited, in any of the waters of any such facility, or along the shores thereof or in any of the streams or ditches emptying therein or on any of the land adjacent or contiguous to any such facility, any refuse, offal, waste matter or other substance or material, whether earth, oil, liquid, animal, fish or vegetable matter, or other matter that may adversely affect the sanitary, clean and safe condition of the waters in any such facility or that may diminish the depth thereof.

(b) It shall be unlawful to intentionally or negligently permit or cause to be sunk any boat in the waters of any such facility, or to intentionally or negligently permit or cause any loose timber or log to be set adrift in any such facility. Whenever a boat is wrecked and/or sunk in any of the waters of any such facility, accidentally or otherwise, it shall be the duty of the owner or person then in possession of such wrecked or sunken boat to immediately mark it with buoys and a lights at night and to maintain such warning devices until the wrecked or sunken boat is removed which shall be done within the time frame designated by the Harbor Master. The neglect or failure of the owner or person then in possession to so mark the wrecked or sunken boat shall constitute a violation hereof. It shall be the duty of the owner or person then in possession of such wrecked or sunken boat to commence the immediate removal of the boat and remove same within the Harbor Master's designated removal period. Failure to do so shall constitute a violation hereof. Further the failure of the owner or person then in possession to mark with required warning devices and/or remove such wrecked or sunken boat within the period prescribed by the Harbor Master shall constitute a material breach of any lease, with such person and authorize the Harbor Master to cancel such license. In the event any such owner or person in possession does not timely remove such wrecked or sunken boat, the Harbor Master may proceed to do so after five (5) days written notice to such owner or person in possession, and at the owner's and/or person in possession's cost.
(Code 1977, § 9-3(C))

Sec. 70-121. Use of facility for anchoring or mooring.

(a) No boat shall be moored to or anchored inside any such facility without the permission of the Harbor Master and at such points as may be designated, or unless otherwise permitted.

(b) No boat shall be operated or moored or anchored in such a manner as to obstruct the passage, approach, berthing, offloading, loading, launching or recovery of other boats at any such facility.

(c) No person operating any boat shall utilize in any way any bulkhead, dock, or slip space within any such facility except that portion which is leased by such person from the Town, where applicable, or without the express permission of the Harbor Master, or as otherwise permitted.
(Code 1977, §9-3(F))

Sec. 70-122. Prohibited conduct.

Within any such facility, and/or the upland area adjacent thereto, the following conduct is expressly prohibited:

- (a) Swimming
- (b) Camping
- (c) Fireworks
- (d) Overhaul of boats
- (e) Discharge of firearms
- (f) Parking, except as expressly permitted by appropriate signage.

In addition to any other rule or regulation pertaining to the use of the other town water related facilities, the following additional rules and regulations shall be in effect:

- (a) Overnight parking prohibited without ramp user fee sticker.**
- (b) Two (2) hour parking if not under way on boat or vessel.**

Sec. 70-123. Other Rules and Regulations.

In addition to all other rules or regulations pertaining to the use of the harbor, the following additional rules and regulations shall be in effect:

- (a) The loading dock area may be used up to four (4) hours free of charge.**
- (b) Beyond four (4) hours, boats may remain at the dock for reasons of mechanical failures, inclement weather or any other situation as deemed appropriate by the Harbor Master or his duly appointed agent.**
- (c) The fee for said mooring shall be seven (\$7) dollars per day.**

Sec. 70-124. Provisions regulating boat wakes in and adjacent to any such facility.

**All boats entering, leaving, or navigating in or within 100 feet of any such facility shall be operated in such a manner so as not to create a swell sufficient to cause damage to the other boats moored, anchored, offloading, loading, or utilizing the boat ramps at such facility.
(Code 1977, §9-3(G))**

Sec. 70-125. Abusive language.

While utilizing any such facility, including while on any boat moored thereto or while in the act of mooring, embarking, disembarking, launching or recovering any boat any person shall refrain from making any loud and disturbing noises not reasonably necessary for utilizing said facility, and further shall not use any abusive and/or obscene language that reasonably disturbs the peace and tranquility of others on or near said facility.

Sec. 70-126. Special provisions applicable to the Town Dock.

- (a) No commercial boat shall offload any cargo except that a boat less than 24 feet in length may offload seafood products providing that said offloading does not exceed ½ hour daily.**
- (b) A boat may moor at the Town Dock between the hours of 8:00 a.m. to 12:00 noon to take on fuel and secure stores for a period not to exceed 1 hour daily and provided that there are no more than two such boats so moored at a time.**
- (c) In the case of an emergency the United States Coast Guard may moor a boat at the Town Dock during the course of said emergency after contacting and securing the approval of the Harbor Master.**
- (d) The Harbor Master may permit a boat to moor for an appropriate period of time to correct any mechanical problems.**
- (e) In the case of inclement weather, the Harbor Master may moor up to two boats at the Town Dock during the period of such weather conditions.**
- (f) Under no circumstances shall the use of the boat ramp at the Town Dock be impeded.**